



Entered on Docket
May 19, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus Objection
Of USACM Trust To Proofs Of Claim Based
In Whole or In Part Upon Investment In The
Ocean Atlantic Loan (Except as to Norman
Kiven)**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Ocean Atlantic \$9,425,000 Loan ("Ocean Atlantic ") [DE 8296] (the "Objection"); the Court having heard the Objection on May 9, 2011; appropriate notice of the Objection having been given; Norman Kiven filed a response and the hearing has been continued as to Norman Kiven only [DE 8331]; no other response to the Objection having been filed; the Court noting on

1 the record that the disallowance of the Claims listed on Exhibit A does not affect the
2 lender's claim on the applicable direct loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8295] is sustained; and
5 2. The claims listed on **Exhibit** A attached (except for Norman Kiven) are
6 disallowed to the extent that those claims are based upon an investment in the Ocean
7 Atlantic Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker
13 Robert M. Charles, Jr.
14 John Hinderaker (*pro hac vice*)
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17 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. _____
Attorneys for USACM Liquidating Trust

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**OCEAN ATLANTIC \$9,425,000
MULTIPLE LOAN CLAIMS
EXHIBIT A**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Ocean Atlantic \$9,425,000 Loan
10725-02400	1/16/2007	Banos, Kami & Willie	7431 Dorie Dr West Hills, CA 91307-5277	100,000.00	50,000.00
10725-01921	1/10/2007	Dobyne Living Trust	Robert S & Leah K Dobyne Ttees 3416 Cantura Bluff Ave North Las Vegas, NV 89031-3577	474,358.44	50,000.00
10725-00525	10/10/2006	Fernandes, Melissa	4001 Oak Manor Ct Hayward, CA 94542	116,143.68	58,071.84
10725-01297	11/10/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Felsenthal LLP 30 N Lasalle St Ste 3000 Chicago, IL 60602	1,040,000.00	Unknown
10725-01478	11/15/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Felsenthal LLP 30 N Lasalle St Ste 3000 Chicago, IL 60602	96,496.00	Unknown
10725-01784	12/13/2006	Miller, Penny & Brian J	Po Box 495 Zephyr Cove, NV 89448	115,000.00	50,000.00
10725-01878	1/8/2007	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	10,451.54	Unknown

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**OCEAN ATLANTIC \$9,425,000
MULTIPLE LOAN CLAIMS
EXHIBIT A**

10725-02226	1/12/2007	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	4,884,068.70	50,000.00
10725-02027	1/11/2007	Zadel, William	Po Box 1817 Parowan, UT 84761	150,000.00	50,000.00
10725-02299	1/13/2007	Zawacki A California LLC	Po Box 5156 Bear Valley, CA 95223-5156	3,000,000.00	50,000.00

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